

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

ERIC OTERO,	:	CIVIL ACTION NO. 06-3435 (MLC)
	:	
Plaintiff,	:	<b>MEMORANDUM OPINION</b>
	:	
v.	:	
	:	
COUNTY OF MONMOUTH, et al.,	:	
	:	
Defendants.	:	
_____	:	

**THE PLAINTIFF** – concerning the motion by the defendants Township of Lacey, Lacey Township Police Department, and Officer Dimitrios Tsarnas (“Moving Defendants”) for the entry of summary judgment in their favor (dkt. entry no. 7) – advising the Court:

that the parties have tentatively agreed to a stipulation of dismissal without prejudice. . . . Accordingly, we would kindly request that you would refrain from ruling on the Motion at this time

(dkt. entry no. 14, 10-30-06 Letter of Pl. Counsel Samuel J. Myles); and thus the Court intending to (1) deny the pending motion by the Moving Defendants without prejudice, and (2) dismiss the complaint insofar as asserted against the Moving Defendants (a) without costs and (b) without prejudice to reopen the action insofar as brought against the Moving Defendants on good cause shown within 60 days if the settlement is not consummated; and for good cause appearing, the Court will issue an appropriate order and judgment.

\_\_\_\_\_  
s/ Mary L. Cooper  
**MARY L. COOPER**  
United States District Judge